

Appendix A

UNIFIED DEVELOPMENT ORDINANCE*

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***Editor's note**—Printed herein is the Unified Development Ordinance for Lee County, North Carolina, adopted by the county council on Sept. 19, 2005. Amendments to the original ordinance are indicated by parenthetical history notes following amended provisions. For stylistic purposes, a uniform system of punctuation, capitalization, headings, catchlines, citation to state statutes, and expression of numbers in text has been used to conform to the Code. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity.

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Summary: The purpose of this article is to provide supplemental standards for individual uses. Some sections also contain special submittal requirements applicable to zoning or other development applications. The applicant must submit this information in addition to the information required by appendix B of this ordinance in order for the application to be certified as complete by the department of community development.

5.1. Accessory uses and structures.

5.1.1. *Applicability.*

5.1.1.1. This section applies to any subordinate use of a building or other structure, or use of land which is: (1) conducted on the same lot as the principal use to which it is related (except as permitted under subsection 5.1.2.2 below), and (2) clearly incidental to, and customarily found in connection with, such principal use. Uses are deemed permitted as part of the principal use and shall not require a separate permit, unless otherwise provided in the regulations established in this article for the particular use.

5.1.2. *Establishment.*

5.1.2.1. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as permitted under subsection 5.1.2.2 below. Accessory buildings shall not be used for dwelling purposes, except where permitted in this ordinance.

5.1.2.2. Accessory buildings and related uses may be permitted on a parcel without a principal use or structure under the following conditions:

- The subject property is located within the zoning jurisdiction of Lee County (not permitted in the City of Sanford or Town of Broadway zoning jurisdictions) and the property is zoned either RA residential agricultural or RR restricted residential;
- The associated principal use exists on an adjoining lot (which includes lots separated by a public right-of-way or a combination of contiguously owned lots); and
- A special use permit has been granted by the Lee County Board of Adjustment (see section 3.5 of this ordinance).

5.1.3. *Setbacks.*

Table 5-1. Setbacks for Accessory structures.

ZONING DISTRICT	FRONT SETBACK (FEET) (see Note 1)	SIDE SETBACK (FEET)	REAR SETBACK (FEET)
RA	30	5	5
RR	30	5	5
R-20	30	See Note 2	
R-14	30	See Note 2	
R-12	30	See Note 2	
R-10	25	See Note 2	
R-6	20	See Note 2	
MF-12	20	See Note 2	
O&I	10	0	0
CBD	0	0	0
NC	10	0	0
C-1	10	0	0
C-2	10	0	0

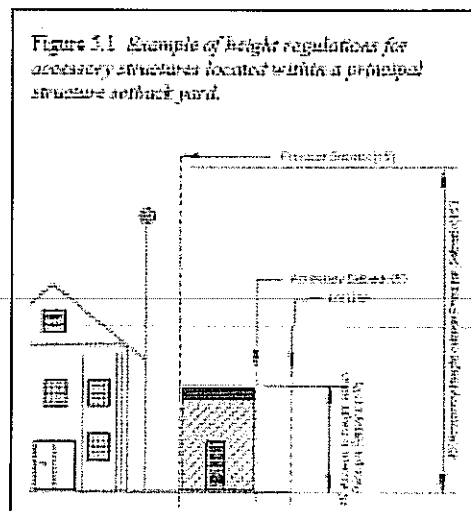
ZONING DISTRICT	FRONT SETBACK (FEET) (see Note 1)	SIDE SETBACK (FEET)	REAR SETBACK (FEET)
HC	10	0	0
LI	30	0	0
HI	30	0	0

NOTE 1: This setback shall apply to all yard areas which abut a public street right-of-way.

NOTE 2: Detached accessory buildings of 800 square feet or less in size may be located within five feet of any side or rear lot line. Accessory structures that are greater than 800 square feet shall be governed by the same dimensional regulations as set forth for the principal structure(s). As set forth in Table 4.7-1.

5.1.4. Height.

5.1.4.1. Accessory buildings shall conform to the standard height regulations of the zoning district as set forth in the dimensional matrix (section 4.7, Table 4.7-1, except that those accessory structures that are located within a principal structure setback yard shall be limited to a maximum of 15 feet.



(Ord. of 9-19-2005; Ord. of 5-7-2007, §§ 1—3)

5.2. Adult establishments.

Reasonable local government regulation of sexually oriented businesses in order to prevent or ameliorate these adverse secondary impacts is consistent with the federal constitutional protection afforded to nonobscene but sexually explicit speech. In addition to state laws on obscenity, indecent exposure, and adult establishments, local government regulation of the location and operation of sexually oriented businesses is necessary to prevent undue adverse secondary impacts that would otherwise result from these businesses.

5.2.1. *Applicability.* This section applies to any "adult establishment" as defined in G.S. § 14-202.10.

5.2.2. *Standards.*

5.2.2.1. In lieu of the criteria established in subsection 3.5.3 of this Code, adult establishments shall comply with the provisions of G.S. Chapter 14, Article 26A and this section.

5.2.2.2. Adult establishments shall not be located:

- (a) Within 1,000 feet of a residential zoning district. The distance between a proposed use and a residential zoning district shall be measured from the nearest property line of the site containing the adult use or proposed adult use to the nearest boundary line of a residential zoning district, measured along a straight line extended between the two points.
- (b) Within 2,000 feet of any church or other place of worship, elementary or secondary school, day care facility, dwelling unit, establishment with an on-premise North Carolina ABC license, or public park that exists or has been permitted at the time the application for approval of the sexually oriented business is filed. The distance between the proposed adult use and a church, school, park, day care or dwelling shall be measured from the nearest property line of the site containing the proposed adult use to the nearest property line of the church, school, park, day care or dwelling, along a straight line extended between the two points.
- (c) Within 2,000 feet of any other adult establishment that exists or has been permitted at the time the application for approval of the sexually oriented business is filed. The distance between the proposed adult use and another existing adult establishment shall be measured from the nearest property line of the site containing the proposed adult use along a straight line extended to nearest property line of the site containing the existing adult establishment.

5.2.3. Permit.

5.2.3.1. Special use permit. No adult establishment shall be established or operated unless and until a special use permit is approved, provided:

- (a) In lieu of the standards established in subsection 3.5.3 of this ordinance, the adult establishment shall comply with the criteria established in subsection 5.2.3 below.

If the special use permit application is not approved or denied within the time period established in subsection (a), above, the application shall be deemed approved and the applicant may file an application for a building permit and/or certificate of occupancy as provided in subsection 5.2.3.2, below.

5.2.3.2. Building permit or certificate of occupancy.

- (a) Following approval of a special use permit, the applicant may apply for a building permit as provided in subsection 3.2.4 of this ordinance. Following approval of a building permit, the applicant may apply for a certificate of occupancy as provided in subsection 3.2.4 of this ordinance. No adult establishment shall be established or operated until a certificate of occupancy has been issued in accordance with subsection 3.2.4 of this ordinance.

(Ord. of 9-19-2005)

5.3. Animal hospitals, veterinary services, animal shelters, kennels/animal pet services.

5.3.1. Applicability. This section applies to any facility providing services for animals on the premises and applies to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals, kennels, and shelters and are subject to the criteria below:

5.3.2. Standards.

- 5.3.2.1. All buildings, structures and facilities shall be located at least 500 feet from any residential structure.
- 5.3.2.2. Animal wastes shall not be stored closer than 50 feet from any property line or surface waters. All animal wastes shall be removed daily.
- 5.3.2.3. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.

5.3.2.4. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.

5.3.3. *Veterinarian outpatient clinics.*

5.3.3.1. In lieu of subsection 5.3.2, the requirements of subsections (a) through (d), below, shall apply to veterinarian outpatient clinics. For purposes of this section, a "veterinarian outpatient clinic" means a structure where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment only.

- (a) A veterinarian outpatient clinic must be within a completely enclosed building, with no outside facilities or accessory structures for animals.
- (b) A veterinarian outpatient clinic shall provide no grooming or boarding of animals except as required for medical treatment.
- (c) A veterinarian outpatient clinic shall be designed, constructed and maintained to minimize sound emitted through exterior walls and roofs, including areas where animals are treated or kept during treatment.

(Ord. of 9-19-2005)

5.4. Bed and breakfast inns.

5.4.1. *Applicability.* This section applies to any bed and breakfast inn. For purposes of this section, a "bed and breakfast inn" means a private residence offering bed and breakfast accommodations to eight or less persons per night for a period of less than one week.

5.4.2. *Standards.* When allowed, bed and breakfast inns shall be subject to the following additional requirements:

5.4.2.1. The applicant shall provide to the administrator a floor plan designating the use and floor area of each room within each building or structure for which rooms will be rented.

5.4.2.2. The owner shall reside on site. An owner shall be an individual with a 25 percent or greater interest in the inn.

5.4.2.3. Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.

5.4.2.4. Parking is not permitted in any front yard.

5.4.2.5. No exterior advertising is permitted on the lot or parcel in a residential zoning district except a small unlighted announcement sign not to exceed two square feet in area and three and one-half feet in height. In non-residential zoning districts, the inn is permitted all signage allowed other uses in the district, consistent with any limitations imposed by the special use permit or any other permit issued by the city, county or town.

(Ord. of 9-19-2005)

5.5. Car washes and car care centers.

5.5.1. *Applicability.* This section applies to any lot, parcel, tract, site or building where the cleaning, washing, drying, waxing, polishing, or vacuuming of an automobile is done by the driver or occupant of the automobile or an automated sprinkler.

5.5.2. *Standards.* When allowed, car washes shall be subject to the following additional requirements:

- Stacking lanes with the capacity for up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes.

- No storage or repair of vehicles shall be allowed within the car washing facility.
- The associated lanes and driveways shall be covered with an all weather surface.
- Provisions shall be made for an on-site drainage system to capture water used to wash vehicles. The drainage plan shall be evaluated to determine that the water from the facility will not increase the rate or volume of stormwater discharged onto adjacent property or streets.
- The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
- Parked or waiting vehicles may not block sidewalks, driveways or streets.

(Ord. of 9-19-2005)

5.6. Cemeteries.

5.6.1. *Applicability.* This section applies to any cemetery. For purposes of this section, a "cemetery" means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A burial park, for earth interment.
- A mausoleum, which means a structure or building substantially exposed aboveground intended to be used for the entombment of remains of a deceased person.
- A columbarium, which means a structure or building substantially exposed aboveground intended to be used for the interment of the cremated remains of a deceased person. (Source: G.S. § 65-48)

5.6.2. Standards.

5.6.2.1. Tombstones, crypts, monuments and mausoleums shall be located at least 25 feet from any exterior side or rear lot lines which adjoin lots developed for residential use, and at least 25 feet from a street right-of-way line.

5.6.2.2. Tombstones, crypts, monuments and mausoleums shall be located at least 25 feet from a street right-of-way line, and at least ten feet from all exterior side or rear lot lines which do not adjoin lots developed for residential use.

5.6.2.3. Buildings for the maintenance, management, rent or sale of cemetery lots shall be located at least 100 feet from any lot lines which adjoin lots in a residential zoning district.

5.6.2.4. Any building for the maintenance, management, rent or sale of cemetery lots shall be located in accordance with the requirements for principal uses for the district in which it is located where lot lines do not adjoin lots in a residential zoning district.

(Ord. of 9-19-2005)

5.7. Community food services.

5.7.1. *Applicability.* This section applies to any establishment principally engaged in collecting, preparing, and delivering food for the needy, distributing clothing and bedding to the needy, running collections for food and donations for the needy, or providing meals to the needy at fixed or mobile locations. Examples include food banks, meal delivery programs, and soup kitchens. For purposes of this section, "needy" means persons or households who fall below the poverty level established by the federal poverty guidelines established by the United States Department of Health and Human Services, as revised each April 1, or who are homeless. For purposes of this section, "homeless" means an individual or household who (i) lacks a fixed, regular, and adequate nighttime residence or (ii) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations, lives in an institution providing temporary residence for

individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless" does not include persons who are imprisoned or otherwise detained pursuant to federal or state law. (Source: G.S. §§ 108A-70.18, 115C-366)

5.7.2. Standards.

5.7.2.1. All structures shall meet the front, side and rear setbacks of the zoning district in which the use is located.

5.7.2.2. A buffer shall be established on all side and rear property lines consisting of a solid visual barrier fence with a minimum height of six feet and constructed no closer than five feet to a property line with evergreen shrubs planted on the exterior side of the fence at the equivalent rate of one per ten linear feet of fence.

(Ord. of 9-19-2005)

5.8. Concrete and asphalt plants.

5.8.1. *Applicability.* This section applies to any establishment classified under NAICS code 3273 and 32412, including the establishment principally engaged in the manufacture of Portland cement, asphalt, natural, masonry, pozzalanic, ready-mix concrete; and further including any batch plant or mix plant.

5.8.2. Standards.

5.8.2.1. Property boundaries facing public streets shall be fenced with a six-foot high nonclimbable security fence and shall meet the standards for buffers in article 7.

5.8.2.2. Property boundaries shall not be within 100 feet of property zoned residential, however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 100-foot measurement.

5.8.2.3. Vehicle use areas shall be set back at least ten feet from the property boundary and shall be defined with some type of edging.

5.8.2.4. Outdoor storage areas shall be screened in conformance with requirements found elsewhere in this ordinance, and in no case shall be visible from residential areas or public roads.

5.8.2.5. The site must be at least four acres in size and must have access on a thoroughfare as defined on the Sanford/Lee County Thoroughfare Plan.

5.8.2.6. Any batch or mixing plant operations shall conform to the following:

- The structure containing batching or mixing operations shall be located at least 50 feet from any property line.
- Within one year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
- The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to increase the turbidity of any natural water course, or to occlude any existing drainage course.

5.8.2.7. All unpaved storage areas shall be maintained in a manner which prevents dust from entering adjacent properties located in residential zoning districts.

5.8.2.8. *Access:*

- (a) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
- (b) Access roads shall be located no closer than 15 feet to any property line other than a railroad right-of-way line.

- (c) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

(Ord. of 9-19-2005)

5.9. Correctional facilities.

5.9.1. *Applicability.* This section applies to any publicly or privately owned facility housing persons awaiting trial or persons serving a criminal sentence or detention for a juvenile offense, including any jail, penitentiary, or detention center.

5.9.2. Standards.

5.9.2.1. In order to accommodate outdoor recreational facilities and to allow for potential building expansion, the site size for facilities shall be a minimum of one acre in size or the minimum of the zoning district, whichever is larger.

5.9.2.2. The facility shall be established at least 650 feet from the nearest property which is residentially zoned or used.

5.9.2.3. The facility shall not be established within 1,320 feet [1/4 mile] of a public or private school, day care, or place of worship.

5.9.2.4. Site development shall conform to the landscaping and dimensional requirements of the zoning district.

(Ord. of 9-19-2005)

5.10. Child day care facilities.

5.10.1. *Applicability.* This section applies to any of the following establishments (such establishments are referred to collectively as "day care" or "day care facilities"):

~~5.10.1.1. Any child care establishment, which means a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:~~

- Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- Recreational programs operated for less than four consecutive months in a year;
- Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- Public schools;
- Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in this section for less than six and one-half hours per day either on or off the school site;
- Bible schools conducted during vacation periods;
- Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;

- Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; or
- Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

5.10.1.2. Any child care facility, which means any child care center, family child care home, and any other child care arrangement not excluded by G.S. § 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

5.10.1.3. Any child care center, which means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

5.10.1.4. Any home child care, which means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: G.S. § 110-86)

5.10.2. *Accessory use.*

5.10.2.1. A day care is permitted where indicated in the use matrix. In addition, a day care is permitted as an accessory use must meet 5.10.3 in addition to the following regulations:

- (a) *Church or religious institutions.* In all zoning districts permitting churches or religious institutions when operated by a religious institution on the same zoning lot and within buildings also used for religious activities.
- (b) *Public or private schools.* In all zoning districts permitting public or private schools when operated by the school on the same zoning lot and within buildings also used for school activities.
- (c) *In non-residential zoning districts.* In non-residential zoning districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.

5.10.3. *Standards.*

5.10.3.1. Such facilities shall comply with the standards established by the North Carolina Department of Health and Human Services and Article 7, Chapter 110, of the North Carolina General Statutes. Evidence of compliance with the above standards (as amended) and other applicable statutes, rules, and regulations shall be furnished by the operator of such child care facility to the community development department.

5.10.3.2. Structures shall conform to the area, yard, height, setback and other requirements of the district in which such structures are located.

5.10.3.3. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's play space. No wall or fence shall exceed six feet in height within any required yard. The minimum height of walls and fences shall be three feet. Walls and fences need not conform to any of the yard or setback requirements specified in this ordinance.

(Ord. of 9-19-2005)

5.11. *Drive-in theaters.*

5.11.1. *Applicability.* This section applies to any outdoor facility where motion pictures are viewed from passenger vehicles.

5.11.2. *Standards.*

5.11.2.1. The site shall have access to a major or minor thoroughfare.

5.11.2.2. The projection screen shall not be visible from any public street within 1,500 feet.

5.11.2.3. No central loudspeakers shall be permitted.

5.11.2.4. Vehicle areas shall be visually shielded so that lights will not shine onto adjacent property.

5.11.2.5. Vehicle stacking lanes shall be available outside the theater entrance and shall have sufficient capacity to prevent obstruction of the traffic by theater patrons.

5.11.2.6. Use of the theater property for any purpose other than displaying motion pictures, including but not limited to flea markets, shall require a special use permit.

(Ord. of 9-19-2005)

5.12. Family care homes.

5.12.1. *Applicability.* This section applies to any family care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. A "handicapped person" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. § 130C-3(11)b.

5.12.2. *Standards.* A family care home is subject to the following standards or the latest version of G.S. § 168-30:

5.12.2.1. A family care home is deemed a residential use of property for zoning purposes and is a permissible use in all residential zoning districts.

5.12.2.2. No family care home, its owner, or operator is required to obtain, because of the use, a special use permit, special exception or variance pursuant to article 3 of this ordinance.

5.12.2.3. A family care home shall not be located within a one-half mile radius of an existing family care home.

(Ord. of 9-19-2005)

5.13. Farming, stables, and related uses.

The purpose of this section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets.

5.13.1. *Application/exemption.* This section shall not apply within the unincorporated areas of Lee County which lie beyond the ETJ of the City of Sanford and the Town of Broadway.

5.13.2. *Use regulations.* The use of land for the keeping of agricultural animals of other livestock shall be permitted as set forth in the use matrix (Table 4.6-1) subject to the criteria below.

5.13.3. *Agricultural animals.* Horses and cows are permitted in the RA, RR, and R-20 districts in the incorporated areas and extraterritorial jurisdiction of Sanford and Broadway, provided that:

(a) The lot size shall be a minimum of two acres;

(b) All livestock shall be fenced so that they are no closer than 200 feet from a dwelling unit; and

(c) No more than two animals per acre.

Note: Swine, poultry and goats are not permitted in the City of Sanford.

5.13.4. *Stables.* Riding stables which are accessory to a private residential use and which contain no more than two animals are permitted within the RA, RR and R-20 zoning districts, provided that all buildings and structures related to the care of animals are located at least 200 feet from any lot line and 50 feet from the principal dwelling unit.

5.13.5. *Riding academies.*

5.13.5.1. This section applies to riding academies which are operated on either a profit or a nonprofit basis, and which contain more than two animals.

5.13.5.2. All buildings and structures related to the care of animals and to the conduct of the academies shall be located at least 200 feet from any line in a residential zoning district.

(Ord. of 9-19-2005)

5.14. Flea markets—Outdoor.

5.14.1. *Applicability.* An open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage, yard or rummage sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic or charitable organizations on their own property. The term "flea market" also includes an occasional or periodic sales activity held within a building, structure or open area where individuals or groups of individual sellers offer items, new or used, for sale to the public, not to include private yard or garage sales, and occasional sales.

5.14.2. *Standards.*

5.14.2.1. A minimum lot area of two acres is required.

5.14.2.2. No booths, stalls, display areas or sanitary facilities shall be placed or maintained within any required setback area.

5.14.2.3. All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day.

5.14.2.4. Sanitary facilities shall be provided on-site with at least one handicapped-accessible facility.

(Ord. of 9-19-2005)

5.15. Hazardous waste facilities.

The purpose of these regulations is to:

- Ensure that hazardous or low-level radioactive waste facilities are located in a manner consistent with the public health, safety, and welfare, and that surface waters, ground waters, population centers, adjacent land uses, and Lee County in general will be protected from the potential injurious effects of a hazardous waste facility.
- Provide that decisions pertaining to location of hazardous waste facilities are made according to objective criteria.

5.15.1. *Applicability.* This section applies to any facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: G.S. § 130A-290).

5.15.2. *Standards.*

5.15.2.1. Pursuant to G.S. § 143-215.54, new hazardous waste management facilities are prohibited in the 100-year floodplain except as authorized under G.S. § 143-215.54A(b), as amended.

- 5.15.2.2. Ingress to and egress from hazardous waste facilities shall be permitted by roads to serve only the hazardous waste facilities. Within the unincorporated areas of the county, such roads shall be designed and constructed to North Carolina Secondary Road Standards. Within the incorporated areas of the county, roads shall conform to the requirements of article 10 of this ordinance. Roadway design shall allow a weight limit of 19,000 pounds per axle, and shall intersect directly with a state-maintained road. Approach and departure traffic routes for a hazardous waste facility shall not be permitted through local streets or any other system of streets primarily intended to provide access to residences in a neighborhood.
- 5.15.2.3. A type D bufferyard, in accordance with article 7 of this ordinance, shall be required around all sides of a hazardous waste facility.
- 5.15.2.4. A non-climbable security fence at least seven feet in height shall be installed around all portions of hazardous waste facilities directly involved in the storage, handling, and disposal of hazardous waste.
- 5.15.2.5. All storage, treatment, processing, recycling, collection, recovery, and disposal of hazardous waste shall be located at least 1,000 feet from any exterior property line when such property line abuts a residential zoning district.
- 5.15.2.6. Approval of the zoning clearance permit will not become effective unless all applicable permits for hazardous waste facilities have been issued by the appropriate state and federal agencies governing operation of the facility. Zoning clearance permits will automatically expire if at any time after the issuance, state or federal permits are revoked or terminated.
- 5.15.2.7. Lee County or the incorporated jurisdiction permitting the facility shall be compensated for costs incurred as a result of the location of hazardous waste facilities by a privilege license tax, in accordance with the G.S. § 153A-152.1(a) or § 160A-211.1, as amended. The hazardous waste facility operator(s) shall be assessed in accordance with a privilege license tax schedule to offset costs incurred by the county attributable to the facility.
- 5.15.2.8. Pursuant to G.S. § 143-215.54, new hazardous waste management facilities are prohibited in the 100-year floodplain except as authorized under G.S. § 143-215.54A(b), as amended.
- 5.15.3. *Submittal requirements.* Zoning clearance permit applications for hazardous waste facilities shall be submitted in accordance with appendix B and this section. The application shall include four copies of all documents required by any State of North Carolina agency or any federal agency for a permit to operate a hazardous waste facility, as defined by this Code.
(Ord. of 9-19-2005)

5.16. Home occupations.

The purpose of the home occupation regulations and performance standards are:

- To establish criteria for operation of home occupations in dwelling units within residential zoning districts;
- To permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- To ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- To ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- To allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria; and

- To enable the fair and consistent enforcement of these home occupation regulations; and to promote and protect the public health, safety and general welfare.

5.16.1. *Applicability.* This section applies to any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit.

5.16.2. *Exempt home occupations.* No home occupation permit shall be required for the home occupations listed below, provided that they comply with all applicable home occupation regulations and standards of this section, and provided further that all persons engaged in such activities reside on the premises:

- Artists, sculptors, composers not selling their artistic product to the public on the premises;
- Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- Home offices with no client visits to the home permitted;
- Telephone answering and message services.

5.16.3. *List of home occupations.* The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

Table 5.16-1 specifies those occupations that may be conducted at home, provided the home occupations comply with the performance standards set forth in Table 5.16-2.

Permitted Use Table 5.16-1

- Accounting, tax, bookkeeping, payroll services (NAICS 5412, LBCS function 2412)
- Baking and cooking (NAICS 3118; LBCS 2151)
- Catering (NAICS 72232; LBCS 2560)
- Childcare (NAICS 6244; LBCS 6562)
- Computer repair training (NAICS 611519)
- Computer Systems Design and Related Services (NAICS 5415)
- Computer Training (NAICS 61142; LBCS Function 6143)
- Drafting services (NAICS 54134)
- Engineering, architecture and landscape architecture (NAICS 5413; LBCS 2413)
- Financial planning & investment services (NAICS 52393; LBCS 2250)
- Fine arts studio (creation of individual works only, no mass production) (NAICS 7115, 7121)
- Florist
- Hair salon, barbering, hairdressing, and other personal care services (NAICS 8121)
- Information and Data Processing Services (NAICS 51421; LBCS Function 4240) [Includes SIC 7374 Computer Processing and Data preparation and Processing Services, and SIC 7379 Computer Related Services, NEC (disk and diskette conversion and recertification)]
- Insurance sales (NAICS 52421; LBCS 2240)
- Interior decoration (no studio permitted) (NAICS 54141; LBCS 2414)

- Legal services (NAICS 5411; LBCS Function 2411)
- Mail order business (order taking only, no stock in trade) (NAICS 4541)
- Musical instruction, voice or instrument (NAICS 61161)
- Musical instrument tuning and repair (NAICS 811211, 81149, 4511)
- Offices for Professional, Scientific, or Technical Services (NAICS 54, LBCS 2400) or administrative services (NAICS 5611, LBCS 2420)
- Photographic services (NAICS 54192)
- Professional services including the practice of law (NAICS 54)
- Real estate services and appraisal (NAICS 531)
- Tailoring (dressmaking, alterations, etc.) services (NAICS 81149; 3152)
- Teaching of crafts and incidental sale of supplies to students (NAICS 61161)
- Tutoring (NAICS 611691)
- Any other customary home occupation use not listed above provided that it shall conform to the standards of this section 5.16.

TABLE 5.16-2: HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

PERFORMANCE STANDARDS	RA	ALL OTHER DISTRICTS
The use shall be clearly incidental and secondary to residential occupancy.	*	*
The use shall be conducted entirely within the interior of the residence.	*	*
No more than one (1) non-resident employee shall be permitted.	*	*
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between 8:00 a.m. and 8:00 p.m.	*	*
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.	*	*
Music, art, craft or similar lessons are permitted (12 or fewer clients per day).	*	*
Home Childcare (shall confirm to the standards of Section 5.10 of this ordinance)	*	*
Public facilities and utilities shall be adequate to safely accommodate equipment used for home occupation.	*	*
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials.	*	*
Parking shall be provided only in the driveway.	*	*
Outside storage of heavy equipment or material shall be prohibited.		*
No truck or van with a payload rating of more than one ton shall be parked on the site or in front of the site on a regular basis.		*
Mechanized equipment shall be used only in a completely enclosed building.		*
Electronically amplified sounds shall not be audible from adjacent properties or public streets.	*	*
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.	*	*

<i>PERFORMANCE STANDARDS</i>	<i>RA</i>	<i>ALL OTHER DISTRICTS</i>
Deliveries and pickups shall be those normally associated with residential services, shall not block traffic circulation and shall occur only between 8:00 a.m. and 8:00 p.m. Monday—Saturday.	*	*
Accessory Buildings shall not be used for home occupation purposes.		*
Signage shall: a. be limited to one sign of four square feet in area; b. be mounted flush against the wall of principal dwelling unit; c. not be illuminated.	*	*

An asterisk (*) indicates that the performance standard applies in the applicable district.

5.16.4. *Unsafe home occupations.* If any home or rural family home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on a public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the community development department shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall take the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the community development department may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the community development department, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to section 1.6 of this ordinance.

(Ord. of 9-19-2005)

5.17. Hotels, motels and tourist courts.

5.17.1. *Applicability.* Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

5.17.2. *Standards.* When allowed, all hotels and motels, except hotels or motels in the CBD district, shall be subject to the following additional requirements:

5.17.2.1. The lot or parcel shall have direct to a major or minor thoroughfare.

5.17.2.2. Where the property line of the hotel or motel is adjacent to property in a residential zoning district or a residential use, all hotel and motel buildings and parking shall be located at least 50 feet within the property line of the hotel or motel.

5.17.2.3. Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a residential zoning district or use.

(Ord. of 9-19-2005)

5.18. Junkyard/salvage yard.

5.18.1. *Applicability.* This section applies to any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, including any of the following:

5.18.1.1. Any "junkyard." An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of G.S. § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "junkyard" includes any "automobile graveyard."

- 5.18.1.2. Any "automobile graveyard." An "automobile graveyard is any establishment or place of business which is maintained, used, or operated or storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, G.S. § 136-143).
- 5.18.1.3. Any "scrap and salvage yard." A "scrap and salvage yard" means any establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.
- 5.18.2. *Standards.*
- 5.18.2.1. Any establishment defined in subsection 5.18.1 shall be enclosed by a non-climbable fence or wall not less than six feet in height, adequate to conceal the storage area from public view from streets and adjacent properties. Such enclosure shall be located at least 20 feet from any public street line, such provisions being required to prevent the deterioration of values of adjacent properties
- 5.18.2.2. Minimum lot size is ten acres in size.
- 5.18.2.3. Within the unincorporated areas of Lee County, outdoor storage of more than four wrecked, immobilized, or unlicensed motor vehicles or junk, as defined in appendix A, is expressly prohibited in any residential zoning district.
- 5.18.2.4. Pursuant to G.S. § 143-215.54, new junkyards or scrap and salvage yards are prohibited in the 100-year floodplain except as authorized under G.S. § 143-215.54A(b), as amended.
(Ord. of 9-19-2005)

5.19. Landfills, LCID and CDLF.

- 5.19.1. *Applicability.* This section applies to any of the following:
- 5.19.1.1. Any land clearing and inert debris landfill ("LCID landfill"), which means any facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101; see also G.S. § 130A-290).
- 5.19.1.2. Any construction and demolition landfill (CDLF), which means a disposal facility which stores solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris. Construction debris does not include hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, white goods or used oil as defined in G.S. § 130A-290. Construction debris may include scrap lumber, metals, cardboard, gypsum wallboard, rubble, glass, asphalt shingles, soil, rock, wall coverings, plaster, plumbing fixtures, plastics that do not conceal waste, electrical piping, or drainage piping. (Source: G.S. § 130A-290; Sustainable Lands and Buildings in North Carolina , "Construction and Demolition Debris Management, at <http://www.sustainablenc.org/thewayto/go/main/cd.htm>).
- 5.19.2. *Standards.*
- 5.19.2.1. LCID landfills and CDLF's shall be located only where roads comply with this section. Within the unincorporated areas of the county, such roads shall be designed and constructed to North Carolina Secondary Road Standards. Within the incorporated areas of the county, roads shall conform to the

requirements of article 10 of this ordinance. Roadway design shall allow a weight limit of 19,000 pounds per axle, and shall intersect directly with a state-maintained road. Approach and departure traffic routes for LCID Landfills and CDLF's shall not be permitted through local streets or any other system of streets primarily intended to provide access to residences in a neighborhood.

5.19.2.2. A type D bufferyard, in accordance with article 7 of this ordinance, shall be required around all sides of a landfill. Where a proposed land clearing and inert debris landfill or construction and demolition landfill is adjacent to an existing landfill that has been officially closed in accordance with appropriate governmental regulations, the required buffer area on the side adjacent to the existing landfill shall be 30 feet in width when the landfills are under separate ownership, and zero feet when under common ownership.

5.19.2.3. A visual screen of at least 50 percent opacity shall be established around that portion of the landfill that is excavated or being filled for current operations. Such screening is required only when the excavated or filled area is visible at eye level at ground elevation from public streets, residences, and buildings, but not including accessory buildings on properties adjacent to the landfill. The department of community development may exempt the applicant from all or part of the visual screening requirements of this section when existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including but not limited to trees and shrubs having opacity of not less than 50 percent at all seasons of the year. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect of at least 50 percent opacity during all seasons of the year. Screening materials and vegetation may be located in required buffer areas. Notwithstanding any other provision of this ordinance, no storage of vehicles or machinery and no accessory buildings are permitted within any buffer area.

5.19.2.4. The hours of operation shall be limited from 7:00 a.m. to 7:00 p.m. except that the hours of operation may be extended when the department of community development certifies that sanitation conditions require an extension of operating hours.

5.19.2.5. Exterior lighting shall not cause illumination in excess of one foot-candle at any property line; except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

5.19.2.6. Approval of the zoning clearance permit or special use permit will not become effective unless all applicable permits for solid waste facilities have been issued by the appropriate state and federal agencies governing operation of the facility. Zoning clearance permits or special use permits will automatically expire if, at any time after the issuance, state or federal permits are revoked.

5.19.3. *Submittal requirements.* An application for development approval for a LCID landfill or CDLF shall include the following information in addition to the information required by appendix B:

5.19.3.1. All of the information required by the "Solid Waste Management Rules" of the North Carolina Department of Human Resources, Division of Health Services, or successor agency.

5.19.3.2. Proposed access to the landfill including its location on the site, intersection with a state-maintained road, sight distances, and construction and maintenance standards.

5.19.3.3. Views from thoroughfares, residences, and other buildings enumerated in subsection 5.19.2.3 shall be illustrated through graphics showing topographic sections in the affected areas and through photographs.

5.19.3.4. Proposed screening, where it is required in initial or subsequent phases, shall be shown, and the plan shall describe how these requirements shall be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications.

5.19.3.5. Buffer areas shall be indicated on site development plans.

5.19.3.6. Location of utilities, accessory buildings, and storage areas.

5.19.3.7. Erosion control and final stabilization plans.
(Ord. of 9-19-2005)

5.20. Landfill, sanitary.

5.20.1. *Applicability.* This section applies to any sanitary landfill, which means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this article. (Source: G.S. § 130A-290).

5.20.2. Standards for sanitary landfills.

5.20.2.1. Approval of the zoning clearance permit or special use permit will not become effective unless all applicable permits for solid waste facilities have been issued by the appropriate state and federal agencies governing operation of the facility. Zoning clearance permits or special use permits will automatically expire if at any time after the issuance, state or federal permits are revoked.

5.20.2.2. A type "D" buffer which conforms to the requirements of article 7, shall be required around all sides of a solid waste facility and shall be established along road frontages and property boundaries that border residential zoning districts and residential uses. Trees shall be of such height when planted that they shall reach a height of ten feet in two years.

5.20.2.3. Pursuant to G.S. § 143-215.54, new solid waste disposal facilities, are prohibited in the 100-year floodplain except as authorized under G.S. § 143-215.54A(b), as amended.

5.20.2.4. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Within the unincorporated areas of the county, such roads shall be designed and constructed to North Carolina Secondary Road Standards. Within the incorporated areas of the county, roads shall conform to the requirements of article 10 of this ordinance. Roadway design shall allow a weight limit of 19,000 pounds per axle, and shall intersect directly with a state-maintained road. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets or any other system of streets primarily intended to provide access to residences in a neighborhood.

5.20.2.5. A non-climbable security fence at least six feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.

5.20.2.6. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a residential zoning district.

5.20.2.7. Municipal solid waste landfills shall be covered in accordance with the "Solid Waste Management Rules" of the North Carolina Department of Human Resources, Division of Health Services, or successor agency, 10 NCAC Subchapter 10G, as amended periodically.

5.20.2.8. Exterior lighting shall not cause illumination in excess of one foot-candle at any property line; except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

5.20.3. *Submittal requirements.* An application for development approval shall include the information submitted to the department of environment and natural resources for the permitting of a solid waste management facility.
(Ord. of 9-19-2005)

5.21. Manufactured home and/or storage building sales.

5.21.1. *Applicability.* This section applies to any establishments principally devoted to the retail sales of new or used mobile homes, manufactured homes, storage buildings, including establishments that also provide repair services and sell replacement parts and accessories.

5.21.2. *Standards.*

5.21.2.1. Such facilities shall not be allowed within any floodway fringe.

5.21.2.2. All travel lanes and parking spaces shall be paved or graveled. Display areas for homes may be a natural grass area and shall be regularly maintained.

5.21.2.3. The maximum lot coverage allowed is 80 percent.

5.21.2.4. The display area shall be set back a minimum of 25 feet from the street right-of-way and ten feet from all other property lines and shall be defined on the site plan.

5.21.2.5. Storage and repair of damaged homes or vehicles on site is prohibited.

5.21.2.6. Signs are prohibited on the homes or vehicles on the site, with the exception of one sign per home or vehicle, not to exceed three square feet in size, stating the price of that home or vehicle.

5.21.2.7. Within six months after the cessation of production, all manufactured homes and/or storage buildings and related appurtenances incidental to such operation shall be dismantled and removed by and at the expense of the owner.

(Ord. of 9-19-2005)

5.22. Mini-warehouse.

[5.22.1. *Applicability*] This section applies to buildings that are composed of contiguous individual rooms that are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

5.22.2. *Standards.*

5.22.2.1. The total area covered by buildings shall not exceed 50 percent of the site.

5.22.2.2. The maximum height of building(s) shall be 20 feet and shall not exceed one story.

5.22.2.3. No outside storage shall be permitted, however the storage of RV's, campers, boats, and vehicles shall be allowed in areas designated on the site plan.

5.22.2.4. The storage of hazardous, toxic, or explosive substances, including but not limited to, industrial solid waste, medical waste, municipal solid waste, septage, or used oil as defined in G.S. § 130A-290, is prohibited.

5.22.2.5. No business activity shall be conducted in the individual storage units.

5.22.2.6. One dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

(Ord. of 9-19-2005)

5.23. Mining and quarries.

5.23.1. *Applicability.* This section applies to any area of land, including all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also

includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, G.S. § 74-24.2)

5.23.2. *Standards.*

5.23.2.1. Minimum lot area is five acres.

5.23.2.2. Such uses shall have direct access to a paved public street with an all-weather surface.

5.23.2.3. Minimum front, side and rear yards shall be 50 feet, which shall be used for landscaping and screening.

5.23.2.4. The excavated area shall be surrounded with a six-foot high security fence.

5.23.2.5. Only one ground sign per entrance to the storage yard is permitted. Such sign shall not exceed 50 square feet in area. If lighted, such sign may include indirect lighting or non-flashing illumination. Such sign shall be located on the same lot or parcel as the mining or quarrying operation.

(Ord. of 9-19-2005)

5.24. Motor vehicle/boat sales or rental lots.

5.24.1. *Applicability.* This section applies to any:

5.24.1.1. Car dealer, which means an establishment engaging in the retail sales of new or used compact automobiles and light trucks (such as sport utility vehicles, and passenger and cargo vans). This includes establishments where vehicles are sold in combination with related activities, such as repair services, sales of replacement parts and accessories.

5.24.1.2. Boat or marine craft dealer, which means any establishment engaged in the retail sale of new or used boats, personal watercraft, or new or used outboard motors, boat trailers, and may also provide repair services, sell replacement parts and accessories for such craft, and offer other related marine equipment supplies.

5.24.1.3. Large vehicle dealer, which means any establishment that sells or rents or large vehicles, such as buses, recreational vehicles (RVs), mobile homes, and trucks.

5.24.1.4. Car rental establishment, which means an establishment that rents or leases passenger cars without drivers.

5.24.2. *Standards.*

5.24.2.1. Customer and employee parking and vehicles or equipment on display shall not be parked on federal, state, or local public rights-of-way, including streets and sidewalks.

5.24.2.2. Junked or inoperable vehicles or equipment are not permitted on the premises unless such vehicle is within a completely enclosed building. A vehicle covered with a car cover does not constitute an enclosure.

5.24.2.3. Vehicle or equipment repairs made on-site shall be subject to the same restrictions as section 5.94 (Vehicle repair).

5.24.2.4. Nothing in this subsection shall be construed as allowing properties designated as motor vehicles, boat sales or rental lots to be involved in disassembling, tearing down, or scrapping of a vehicle or to permit one vehicle to be scavenged or stripped for parts for use on another vehicle.

(Ord. of 9-19-2005)

5.25. Nurseries and greenhouses, commercial (RA zoning district only).

5.25.1. *Use separation.* All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

5.25.2. *Access.* Principal access shall be from a collector or higher capacity road.

5.25.3. *Screening.* All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots as described in article 7.
(Ord. of 9-19-2005)

5.26. Entertainment establishments.

5.26.1. *Applicability.* This section applies to any premises entertainment establishments, such as lounges, discos, nightclubs, pool halls and private clubs and as similarly classified in Table 4.6-1 of this ordinance.

5.26.2. *Standards.*

5.26.2.1. Regardless of zoning district, entertainment establishments, such as lounges, discos, nightclubs, pool halls and private clubs, shall not be permitted within the boundaries of the special tax district for the downtown area of the City of Sanford.

5.26.2.2. No entertainment establishment shall be located within a 1,000-feet of a parcel or tract of land that contains a detached single-family dwelling structure.

5.26.2.3. No outdoor loudspeaker or public address systems is permitted.
(Ord. of 9-19-2005)

5.27. Racetracks (motorized vehicles).

5.27.1. *Applicability.* This section applies to any measured "racetrack" means a course designed for contests of speed between automobiles, motorcycles, ATVs, tractors or any other forms of motorized vehicle.

5.27.2. *Standards.*

5.27.2.1. The minimum lot area shall be ten acres.

5.27.2.2. The use shall have direct access to an arterial or higher capacity road.

5.27.2.3. All buildings and structures shall be a minimum of 500 feet from any residentially-zoned or used lot.

5.27.2.4. All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned in conformance with the requirements established in article 7.

5.27.2.5. The hours of operation for a raceway or drag strip that adjoins residentially used or zoned property shall be between 8:00 a.m. and 10:00 p.m.

5.27.2.6. Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.
(Ord. of 9-19-2005)

5.28. Recreation activities, commercial outdoor.

5.28.1. *Applicability.* This section applies to any of the following permanent uses: shooting ranges, fairgrounds, race tracks (non-motorized), miniature golf, carnivals, circuses, rides, slides, and any other use not excluded by this section that is designed to provide recreational activities on a commercial basis in an outdoor setting. This section does not apply to raceways or drag strips (motorized vehicles) and drive-in theaters, which are addressed by other sections of this article.

5.28.2. Standards.

5.28.2.1. Minimum lot size shall be two acres.

5.28.2.2. All uses, buildings and structures shall be at least 50 feet from any adjoining detached single-family dwelling structures.

5.28.2.3. Such uses shall have direct access to a paved public street.

(Ord. of 9-19-2005)

5.29. Campgrounds.

5.29.1. *Applicability.* This section applies to any "campground", which means any area that is occupied or designed for occupancy by transient persons using recreational vehicles, motor homes, mobile trailers, tents or other such material for the purpose of dwelling, lodging, or sleeping and is held out as such to the public. A "campground" does not include a manufactured housing community.

5.29.2. Standards.

5.29.2.1. Minimum lot area is five acres with a front yard depth of 50 feet in the RA district.

5.29.2.2. Trailers shall be separated from each other and from other structures by at least 15 feet. Any accessory structure such as attached awnings, carports, or storage facilities shall be considered to be part of the trailer.

5.29.2.3. Space shall conform to minimum size requirements designated by the Lee County Health Department.

5.29.2.4. There shall be at least one recreation area which shall be accessible from all trailer spaces. The size of such recreation area shall not be less than eight percent of the gross site area.

5.29.2.5. Roadways, proposed points of ingress and egress, and proposed pattern of internal circulation shall be constructed of asphalt paving and of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

- One-way, no parking — 12 feet;
- Two-way, no parking — 24 feet.

5.29.2.6. No roadway parking shall be permitted.

5.29.2.7. The water supply, the sewerage system service buildings, sanitation requirements, and solid waste disposal shall be reasonably accommodated and shall meet the requirements of the appropriate state and county regulatory agency and shall be shown on the required site plan.

5.29.2.8. In the RA district, a 25-foot wide natural foliage greenbelt shall be placed along the street side(s) of the property and along interior lot lines adjacent to a residential zoning district. The plantings shall be of sufficient opacity to screen the use from view along interior lot lines.

(Ord. of 9-19-2005)

5.30. Rural family occupations of a commercial or industrial nature (unincorporated area only).

5.30.1. *Applicability.* This section shall apply only to county zoned areas. The following rural family home occupations shall be permitted as a special use in the RA (residential agricultural) zoning district:

- Auto repair work (LBCS Structure 2280);
- Contractor's and trade shops, indoor operations only, including electrical, plumbing, and mechanical (LBCS Function 7210);
- Machine welding shops (NAICS 23899);

- Office machinery and equipment rental and leasing (NAICS 53242) [includes SIC 7377 Computer Rental and Leasing];
- Computer and Office Machine Repair and Maintenance (NAICS 811212);

5.30.2. *Standards.*

5.30.2.1. Storage shall be limited to materials related to the business and shall not involve any hazardous materials.

5.30.2.2. Outdoor storage areas shall comply with section 11.1 of this ordinance and shall not occupy an area of land exceeding 80 square feet.

5.30.2.3. Materials shall not be stacked to a height exceeding four feet and shall not be visible from the public right-of-way or an adjacent lot or parcel zoned or occupied for residential use. Any screening required to comply with this subsection shall use wood or masonry fencing or a vegetative hedge.

5.30.2.[4.] Accessory buildings where a family home occupation is conducted must meet the requirements of section 5.1 and shall not exceed the lesser of the following:

- The square footage of the footprint of the dwelling, or
- Two thousand square feet.

5.30.2.[5.] No more than five nonresident employees shall work in the rural family occupation.

5.30.2.[6.] The rural home occupation shall not create any smoke, odors, dust, or noise at a level discernable at any of its lot lines.

5.30.2.[7.] The minimum lot size shall be two acres. In no event shall a rural home occupation be established on a lot which is nonconforming as to the minimum lot size.

(Ord. of 9-19-2005)

5.31. Storage of flammable liquids (in bulk) above ground.

5.31.1. *Applicability.* This section applies to any building or structure used for bulk storage of flammable liquids above ground.

5.31.2. *Standards.* Pursuant to G.S. § 143-215.54, chemical storage facilities are prohibited in the 100-year floodplain except as authorized under G.S. § 143-215.54A(b), as amended.

5.31.3. *Submittal requirements.* Applications for development approval shall include the following information in addition to the information required by appendix B:

- Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto;
- Storage capacity of all storage units;
- Proposed layout of pipelines.
- Written comments and the approval of the fire marshal and building inspector for the appropriate jurisdiction.

5.32. Reserved.

5.33. Telecommunications towers.

It is the intent of the County of Lee to allow telecommunication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful design, placement, and screening; to

avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed. Additionally, it is the intent of this subsection to encourage the co-location of antennas on existing towers in the County of Lee's planning jurisdiction where possible in order to reduce the amount of visual clutter created by new towers in the community.

The purpose of this section is to provide a uniform procedure for the prompt issuance of permits to place, construct, or modify personal wireless service facilities which comply with article 4 (Zoning) of this ordinance, in order to ensure compliance with the Telecommunications Act of 1996 ("TCA"), 47 U.S.C. § 151 et seq.

5.33.1. Applicability.

5.33.1.1. This section applies to any structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications, except for the following:

- (a) Amateur or ham radio towers; and
- (b) Wireless broadband or other fixed-wireless systems operating at frequencies that require line of sight (i.e., antennae that are visible to each other), including microwave links, spread spectrum, 38-GHz carrier services, local multipoint distribution service (LMDS), multi-channel multipoint distribution service (MMDS), satellite systems, laser, Unlicensed National Information Infrastructure (UNII Band), or high-altitude long endurance systems.

5.33.1.2. No telecommunications tower shall be commenced or established unless and until a telecommunications permit has been issued by the community development department.

5.33.2. Standards.

5.33.2.1. Generally.

- (a) Towers shall not interfere with normal radio and television reception in the vicinity. No tower shall display any sign, banner or any message. Violations shall be considered zoning violations and shall be corrected under the enforcement provisions of section 1.6 of this ordinance.
- (b) Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.
- (c) Towers shall be constructed and maintained in conformance with all applicable building code requirements.
- (d) The tower owner shall provide documentation indicating that the power output levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever provides the stricter requirements.
- (e) Towers greater than 75 feet in height shall be located a minimum distance of 1,000 feet from another tower greater than 75 feet in height measured in a straight line between tower centers.
- (f) The tower shall be designed and constructed to accommodate one additional user if the tower is between 125 feet and 180 feet from the finished grade elevation. If the height of the tower exceeds 180 feet in height the tower shall be designed and constructed to accommodate a minimum of two additional users.
- (g) The tower site shall include adequate area to accommodate the accessory buildings and equipment of all intended users.

5.33.2.2. *Minimum lot area.* Minimum Lot size shall comply with the minimum requirements of the zoning regulations, article 4, section 4.7 of this ordinance. This provision is not intended to apply to ground leases or licenses solely for the use of telecommunication towers, antennas, or equipment.

5.33.2.3. *Minimum setback requirements.* Towers shall conform to the following dimensional requirements:

- (a) For towers located on the roof of a structures, other than the base or supporting elements of the tower, the tower shall not be more than 30 percent of the building height above the building, or 75 feet above the building, whichever is less. The building or structure shall maintain the normal setbacks of the zoning district.
- [(b) Reserved.]
- (c) For towers mounted on the ground surface:
 - If the top of the tower is 75 feet high or less, the normal setbacks for the zoning district for structures shall apply.
 - If the top of the tower is more than 75 feet high and adjacent to, or separated by a public right-of-way from, property which is residentially zoned or used, the setback of the tower base from adjacent property lines shall be two times the tower height for guyed and lattice towers and one times the tower height for monopole towers or the setback of the zoning district, whichever is greater.
 - If the top of the tower is more than 75 feet high and adjacent to, or separated by a public right-of-way, from property which is nonresidentially zoned or used, the setbacks shall be as follows: the setback of the tower base from a property line adjacent to nonresidential property shall be at least 50 feet, and an additional one foot for every foot of tower height over 150 feet. (Example: 75 feet tower height = 50 feet setback; 100 feet to 150 feet tower height = 50-foot setback; 160 feet tower height = 60-foot setback; 175 feet tower height = 75-foot setback). The setback from a public right-of-way, which separates the tower site from nonresidential property, shall be a minimum of 50 feet or one-half the tower height, whichever is the greater setback.

5.33.2.4. *Lighting requirement.* Lighting shall not be permitted unless required by the Federal Aviation Administration (FAA). If lighting is required it shall not exceed the FAA minimum. Strobes shall not be used for nighttime lighting unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

5.33.2.5. *Fencing and landscaping requirements.*

- (a) Fencing shall be required for each site around the base of the tower, any structures or guy wires. The composition of the fencing shall consist of durable materials including wood, brick, or metal or other similar material as may be determined by the planning board.
- (b) The base of the tower, any guy wires, and any structures, walls, or fences shall be surrounded by a single row of large evergreen shrubs spaced at an interval of five feet on center. The minimum height of shrubs at the time of planting shall be three feet.
- (c) The site developer may have the option of:
 - (1) Providing the landscape buffer around the tower base, guy wires and accessory structures;
or
 - (2) Providing a buffer around the perimeter of the entire site.

5.33.3. *Co-location requirements.*

- 5.33.3.1. To encourage shared use of towers, applicants may apply for reduction in setbacks. Applications for towers, which will operate with more than one user immediately upon completion, may reduce setbacks from adjacent nonresidential property. The approving authority may reduce the setback from adjacent nonresidential property by 25 percent when two users commit to occupy the tower immedi-

ately upon its completion or may reduce the setback by 50 percent when three or more users commit to occupy the tower immediately upon its completion. However, the setback distance may not be reduced to less than 50 feet.

5.33.3.2. To further encourage co-location, additional antennas and associated equipment, which do not add to the tower height, may be added to existing towers with administrative approval by the community development department. Applicants need only provide the information required by subsections 5.33.6.2, 5.33.6.4, 5.33.6.5, 5.33.6.6, 5.33.6.8, 5.33.6.10, and construction drawings.

5.33.4. *Concealed towers.* Concealed towers are permitted in all zoning districts, subject to the issuance of a permit by the community development department. For additions to existing structures and for architectural features that are exempt from the height requirements of this ordinance, the community development department shall consider whether the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale, and design with the building or complex of which it is a part, and if it is a stand-alone structure, whether or not such structure is harmonious with the surrounding area. If the community development department denies approval of the concealed tower, the applicant may appeal the decision to the board of adjustment as an appeal of an administrative decision. A board of adjustment review shall only consider the architectural aspects of the community development department's decision listed above. In addition, such structures associated with the communication antenna and equipment shall:

- (a) Meet all other applicable requirements of this ordinance.
- (b) Not interfere with normal radio and television reception in the vicinity.
- (c) Be constructed and maintained in conformance with all applicable building requirements.
- (d) Not exceed federally approved output levels or American National Standards Institute (ANSI) Standards for Power Density; whichever provides the more stringent requirements. The owner shall submit documentation that such power output levels will not be exceeded.

5.33.5. *Abandonment, obsolescence, and financial responsibility requirements.*

5.33.5.1. A tower that is not used for a period of at least six months shall be determined to be abandoned and shall be removed, by the owner, within 90 days after notice by the community development department.

5.33.5.2. The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within 90 days after notice by the community development department or building inspector when said tower is detrimental to the health and safety of the public. When said tower is structurally unsound, the building inspector may establish a shorter period of time for the removal of a tower.

5.33.5.3. To assure the removal of towers which do not meet requirements for use or maintenance.

5.33.5.4. A statement of financial responsibility, meeting the standards of the county, shall be submitted for each tower over 100 feet.

5.33.5.5. A performance bond in an amount fixed by the planning board equal to 110 percent of the cost for removal of the tower shall be posted for each tower. The bond shall be renewed annually and a certificate of renewal submitted for as long as the tower remains in place.

5.33.5.6. Removal costs shall be charged to the tower owner. In the instance of the financial insolvency of the tower owner, removal cost shall be assessed as a lien and collected as unpaid taxes.

5.33.6. *Submittal requirements.* The following information must be supplied with any application for development approval for all telecommunication towers as defined by this section, in addition to any information required for the applicable permit by appendix B.

5.33.6.1. Site, elevation, and landscape plans drawn to scale showing all setbacks, buffers, easements, buildings, fences, height of the tower (including antennas, lightning rods and paraphernalia), and accessory structures as well as any additional information deemed appropriate by the community development department or planning board.

5.33.6.2. Identification, address, and telephone number of the intended user(s) of the tower.

5.33.6.3. Proof of ownership and/or easement agreement(s) for the land where the tower is located, including means of ingress and egress.

5.33.6.4. Proof of authorization to use the site if the land is not owned.

5.33.6.5. A report including a description of the tower with technical reasons for its design.

5.33.6.6. Documentation provided by a registered engineer indicating the number of additional users that the tower has sufficient structural integrity to accommodate.

5.33.6.7. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, or other buildings or structures.

5.33.6.8. Documentation that the worst case configuration meets the most recent American National Standards Institute (ANSI) Radio Frequency Protection Guide for power density.

5.33.6.9. Documentation that the tower lighting will not exceed the Federal Aviation Administration's (FAA) minimum standards and the standards of this ordinance.

5.33.6.10. Copy of completed FAA Form 7460-1, Notice of Proposed Construction or Alteration and any FAA responses thereto. Failure on the part of the applicant to ultimately obtain a finding by the FAA that the tower will not pose a hazard to air navigation shall result in revocation of the special use permit.

5.33.6.11. Evidence that the Sanford-Lee County Regional Airport Authority has been notified of the proposed tower, that the tower will not exceed the standards of the Sanford-Lee County Airport Hazard Ordinance, and that the tower will not pose a hazard to any private airport.

5.33.6.12. Evidence that owners of residentially zoned or used property located within 300 feet of the base of the tower have been notified of the proposal.

5.33.6.13. A statement indicating the owner's intent to allow shared use of the tower and how many additional users may be accommodated.

5.33.6.14. An analysis of the area containing existing topographical contours. Include a copy of the USGS topographic quadrangle with the tower site identified including latitudinal and longitudinal coordinates.

5.33.6.15. A visual depiction and summary of locations within a three mile radius where any portion of the proposed tower is visible.

5.33.6.16. A computer simulation or an artist's rendering of the proposed tower and site or a photograph of a tethered balloon floated to the height of the proposed tower in order to assess potential safety and visual impacts. The applicant shall take the photograph or view from one of the following locations:

- Any point along the boundary of the nearest residential zoning district to the proposed tower lying within a three-mile radius, or
- Any point along the boundary of a three-mile radius from the proposed tower.

5.33.6.17. Documentation of the tower owner's financial responsibility.

5.33.7. *Approval procedures.* Approval of a telecommunications towers shall be in accordance with the review and approval procedures as set forth in article 3 of this ordinance for administrative permits and/or special use permits (as applicable).
(Ord. of 9-19-2005)

5.34. Temporary uses.

This section establishes criteria for particular temporary uses in order to ensure that their operation will not be detrimental to the public health, safety and general welfare, that the use is consistent with the purpose and intent of this ordinance and the specific zoning district in which it will be located, that the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and that the use, value and qualities of the neighborhood surrounding the Temporary use will not be adversely affected by the use or activities associated with it.

5.34.1. *Applicability.*

5.34.1.1. This section permits uses on a short-term basis and certain seasonal or transient uses not otherwise allowed in the applicable zoning district. Prior to conducting or establishing a temporary use or structure, approval of a temporary use permit by the community development department is required pursuant to this section.

5.34.1.2. All temporary uses listed in this section require a temporary use permit (see subsection 3.2.7 of this ordinance). The community development department shall not approve or modify and approve an application for a temporary use permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified in this section.

5.34.1.3. Temporary carnivals, rides, and ferris wheels shall require a temporary use permit. Such permits shall be issued for a period not exceeding ten days and may be renewed once in any calendar year. A request for any additional period must be addressed to the board of adjustment, which shall have authority to act upon said request pursuant to the procedures for a zoning appeal (see section 3.7 of this ordinance).

5.34.1.4. The zoning administrator may issue a temporary use permit for bazaars, carnivals, religious revivals and similar uses. The permit shall be issued for a fixed period of time, but not to exceed 90 days, shall be subject to such limitations as the zoning administrator may impose to protect the character of the district affected, and may be considered for reapplication.

5.34.2. *Standards.*

5.34.2.1. *Generally.*

- (a) The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.
- (b) Adequate off-street parking shall be provided to serve the use, as set forth in the parking standards of this ordinance. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
- (c) Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed, or business conducted within the public right-of-way.
- (d) Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See article 12 for specific standards for signs.

- (e) Only one temporary use permit shall be permitted for a single parcel of land at any given time.
- (f) No application for a temporary use permit shall be processed less than three months after the expiration of a temporary use permit. This restriction shall not apply to real estate development and construction related temporary uses as set forth below.
- (g) No recreational vehicles shall be permitted as a temporary use or structure.

5.34.2.2. *Temporary retail sales uses.*

- (a) Fireworks stands shall be limited to only non-residential zones for a period of time not to exceed 45 days. A maximum of one structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period.
- (b) Temporary use permits are required for all seasonal sales of agricultural products (including Christmas trees) in non-residential zoning districts. Such uses are limited to a period of time not to exceed four consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

5.34.2.3. *Real estate development and construction-related temporary uses.*

- (a) Contractors office and equipment and storage sheds accessory to a construction project (residential or non-residential) may be allowed under one temporary use permit. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the community development department. All temporary buildings shall be completely removed from the site within 30 days of issuance of a certificate of occupancy or completion of the construction project, whichever occurs first.
- (b) One temporary structure, such as a construction trailer or temporary manufactured unit may be used as a real estate sales office in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid for a period of six months or until the first unit for the project is completed, whichever occurs first.
- (c) A real estate office in a model home accessory to construction of a new residential development is limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the community development department. The number of employees utilizing the office at any one time may not exceed five. A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

5.34.2.4. *Special events of a religious, charitable or civic nature.* Any person or organization that desires to conduct a temporary event that is of a religious, charitable or civic nature shall conform to the following requirements:

- A temporary event of a religious, charitable or civic nature shall be permitted only within:
 - Non-residential zoning districts; or
 - Within any residential zoning district wherein such lot is developed as a religious complex or other non-residential use. Vacant lots and/or lots containing existing single-family dwellings shall not be permitted to conduct such temporary use events.
- A temporary event of a religious, charitable or civic nature shall be permitted to operate up to a maximum of 30 days.
- A single temporary sign (size permitted as set forth in subsection 11.10.2 of this ordinance) shall be allowed for the duration of the temporary event.

- 5.34.2.5. *Promotional activities in business and commercial zones involving the display of goods and merchandise.* Promotional activities involving the display of goods and merchandise may be conducted outside for a period of not more than seven consecutive days. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four feet must remain unobstructed for pedestrian use.
- 5.34.2.6. *Special events and activities conducted on public property.* Special events and activities conducted on public property such as school sites and public parks shall be exempt from the provisions of this Section but must comply with any guidelines, regulations and permitting process required by the authorizing agency (e.g. school district or a parks and recreation department).
- 5.34.2.7. *Similar and compatible uses not specified.* If a particular temporary use is listed in the ordinance, the community development department shall have the authority to grant a temporary use permit for a "similar and compatible use". Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the community development department. In such instances, the applicant shall provide the following information: type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the community development department determines that the use is not similar and compatible, the applicant may appeal the decision to the board of adjustment in accordance with section 3.7 of this ordinance.
- 5.34.2.8. *Agri-tourism uses.*
- 5.34.2.8.1. Agri-tourism uses or enterprises in support of any existing bona fide farming operation as defined in appendix A are permitted as a temporary use in the RA residential agricultural district. Agri-tourism uses may include but are not limited to corn mazes, petting zoo related to farm animals, hay rides, and educational programs.
- 5.34.2.8.2. Temporary agri-tourism enterprise may include refreshments and concessions being served.
- 5.34.2.8.3. The amount of time as granted for the temporary agri-tourism use shall be determined by the administrator. However, in no case shall the permit exceed consecutive 60 days. (Ord. of 9-19-2005; Ord. of 7-21-2008, § 1)

5.35. *Mixed use, central business district.*

The purpose of this section is to establish standards for "mixed use" residential units in the existing central business district. It is envisioned that the mixed use of structures within the CBD district will assist in promoting the long-term vitality of the central business districts.

5.35.1. *Standards.* As set forth in Table 4.6-1 of this ordinance, mixed use occupancy of a structure may occur within the central business district use where commercial use(s) is primary on the first floor, with dwelling occupancy allowed on all other floors. The residential dwelling units shall be subject to the following standards:

- (a) Each dwelling unit will require at least one off-street parking space. The off-street parking requirements may be met on-site or off-site at a distance of up to 1,000 feet from the permitted use. Off-street parking spaces to be used to satisfy this requirement must be such that the same parking space cannot already be in use for another dwelling or land use. A copy of a lease agreement for the off-street parking shall be submitted to the planning staff providing evidence that the required off-street parking has been satisfied.
- (b) Building owners will be responsible for trash disposal of all dwelling units in conjunction with the commercial establishments on the first floor.
- (c) No clotheslines on the outside of the building shall be permitted.
- (d) No outside storage for the dwelling unit shall be permitted.

- (e) No pets shall be allowed to reside within any of the dwelling units, except service animals as required for disabled residents. This provision shall not prohibit the retail sale of pets in conjunction with a commercial establishment on the first floor.

(Ord. of 9-19-2005)

5.36. Travel trailer parks.

5.36.1. *Standards.* Travel trailer parks shall be permitted in accordance with Table 4.6-1 of this ordinance and provided that the following standards are achieved.

5.36.1.1. The site shall include a minimum of five acres with a front yard depth of 50 feet.

5.36.1.2. Trailers shall maintain a minimum separation of 15 feet between one another and all other structures. Any accessory structure (such as awnings, carports, or storage facilities) shall be considered as part of the trailer.

5.36.1.3. The minimum size of space for a travel trailer shall be that as required by the Lee County Health Department.

5.36.1.4. There shall be at least one recreation area which shall be accessible from all trailer spaces. The recreation area shall consist of not less than eight percent of the gross site area.

5.36.1.5. All vehicular driveways shall consist of stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic levels. Driveways shall maintain a minimum width of 12 feet for one-way and 24 feet for two-way traffic. This minimum width shall not include parking area.

5.36.1.7. The water supply, the sewerage system service buildings, sanitation requirements, and solid waste disposal shall be reasonably accommodated and shall meet the requirements of the appropriate state and county regulatory agency.

5.36.1.8. A class "C" buffer as set in forth article 7 of this ordinance shall be required along the perimeter of the park where abutting other residentially zoned or developed properties.

(Ord. of 9-19-2005)

5.37. Free-standing ice vending units.

5.37.1. Applicability.

5.37.1.1. This section applies to any person, corporation or other organization desiring to operate a free-standing ice vending unit within the zoning jurisdiction of the county. Free-standing ice vending units or "ice houses" shall be defined as self-contained ice vending units that are typically placed in commercial zones for the purpose of dispensing on-demand bags of ice.

5.37.2. Location.

5.37.2.1. Free-standing ice vending units shall be permitted as set forth in article 4, Table 4.6-1 of this ordinance.

5.37.3. Standards.

5.37.3.1. Written approval from the property owner indicating permission to locate vending unit on-site.

5.37.2.2. Vending units shall conform to the minimum setbacks as set forth in Table 4.7-1 of this ordinance.

5.37.3.3. Each vending unit shall be limited to the amount of wall signage as set forth in article 11, except however, in no case shall such vending unit be allowed to have more than two wall signs.

5.37.3.4. Vending units shall not be required any landscaping or vegetative screening unless such unit is to be placed within 100 feet of a residentially zoned or developed lot. If such unit is located within 100 feet, a class "C" buffer as set forth in article 7 of this ordinance shall be required.

- 5.37.3.5. If a vending unit is to be placed within an existing parking lot serving an existing business(es), then an analysis should be conducted to ensure that the loss of any parking spaces shall not result in the loss of any required minimum parking for the existing business(es). If such placement will result in the loss of (or further reduction of) required parking, then the free-standing vending unit shall not [be] permitted on that location. In the event that the placement of such a vending unit would be located within an existing parking area that is substandard in terms of not being paved (graveled lots), the placement of such vending unit shall not require the existing lot to be paved.
- 5.37.3.6. If a vending unit is to be placed on a vacant tract or as a stand alone use on an undeveloped portion of a larger tract, such units shall be required to construct and maintain a paved vehicular access drive and a minimum of two off-street parking spaces, including a minimum of handicap accessible space.
- 5.37.3.7. All vending units, including all signs, awnings and other exterior elements, shall be kept in good condition. Such units and sites shall be maintained in a "like new" condition, free from substantial deterioration.

5.37.4. *Building design standards.*

- 5.37.4.1. Facade colors shall consist of low reflectance, subtle, neutral or earth-tone colors. Bright colors shall be limited to use as accent elements, such as door and window frames and architectural details. Use of neon tubing and/or fluorescent colors is prohibited.
- 5.37.4.2. Exterior building facades shall include one or more of the following elements: brick, wood, stucco, sandstone or other native stone. Use of concrete block, smooth-faced tilt-up, vinyl, or pre-fabricated steel panels shall be avoided.
- 5.37.4.3. Each unit shall have pitched roof design. The roof shall also be designed such that all above roof mechanical equipment shall be screened from public view and incorporated into the pitched roof design.
- 5.37.4.4. Each vending unit shall include, as a minimum, a curtain wall that may be composed of real or faux brick that extends around the entire foundation of the unit.

(Ord. of 7-21-08, § 1)